

APRIL 2014 CROW TRIBAL LEGISLATURE

CLB No. 14-05

Introduced by Senator Brandon Good Luck
For and On Behalf of the Mighty Few District

A Bill for an Act Titled:

**AN ACT TO AMEND TITLE 8B OF THE CROW LAW AND ORDER CODE (THE
CRIMINAL CODE) TO PROHIBIT ANY BURNING IN PUBLIC REFUSE
DEPOSITORIES**

Legislative Findings:

WHEREAS, Article V, Section 2(a) of the Crow Tribal Constitution vests the Crow Tribal Legislature (hereinafter “Legislature”) with the power and duty to promulgate and adopt laws, resolutions, codes, ordinances, regulations, and guidelines in accordance with the Tribal Constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, Article IV, Section 3(g) of the Crow Tribal Constitution vests the Crow Tribal Executive Branch (hereinafter) “Executive Branch” with the power and responsibility, subject to any limitations imposed upon such powers by the statutes and laws of the United States, to enforce all laws, ordinances, resolutions, or guidelines providing for the licensing of members and non-members for various purposes; and

WHEREAS, Article IV, Section 3(j) of the Crow Tribal Constitution vests the Executive Branch with the power and responsibility, subject to any limitations imposed upon such powers by the statutes and laws of the United States, to protect and preserve the property, wildlife, and natural resources including air, and water of the Crow Tribe in accordance with ordinances adopted by the Legislature; and

WHEREAS, Article IV, Section 4(a) of the Crow Tribal Constitution provides that the “general duties” of the Executive Branch Officials shall include the duty to implement all laws, resolutions, codes, and policies duly adopted by the Legislature; and

WHEREAS, there are multiple public refuse depositories located on the Crow Indian Reservation, which serve as temporary stations for eventual transport to landfills; and

WHEREAS, there is currently a problem with people lighting fires in these depositories, which creates toxic smoke and fumes affecting human health and the environment; and

WHEREAS, the Legislature now seeks to criminally and civilly prohibit any such burning in order to protect public health and environmental quality.

**NOW, THEREFORE, BE IT HEREBY ENACTED AS LAW BY THE CROW
TRIBAL LEGISLATURE IN REGULAR SESSION:**

Section 1. Amendments to Title 8B of the Crow Law and Order Code. Title 8B of the Crow Law and Order Code, also known as the Crow Criminal Code, shall be amended as provided in this section.

(a) Chapter 6, Part 1 of Title 8B is amended to add a Part 104, which shall read as follows:

8B-6-104. Burning of Public Refuse Depositories.

- (1) A person commits the offense of burning in a public refuse depository when he or she knowingly or purposely ignites or causes to ignite a fire in a public refuse depository or within an immediate vicinity of such a depository. For purposes of this Chapter, a “public refuse depository” shall mean any tribal or other public facility used for the temporary storage of waste or refuse materials.
 - (2) Burning of public refuse depositories shall be a Class C misdemeanor, punishable by imprisonment up to six (6) months and/or a five-hundred (\$500) fine. Repeat offenses shall be considered Class B misdemeanors, punishable in accordance with 8B-1-108.
- (b) In the event a non-Indian commits the offense of burning of public refuse depositories, the Crow Tribe may civilly prosecute such person to the maximum penalties allowed under federal and tribal law, including exclusion from any Indian land used for public refuse depositories.

Section 2. Effective Date. This act shall take effect immediately upon being duly adopted by the Crow Tribal Legislature and signed into law by the Executive Branch Chairman or pursuant to the veto-override process as provided for under tribal law.

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CERTIFICATION

I hereby certify that this bill for an act titled **AN ACT TO AMEND TITLE 8B OF THE CROW LAW AND ORDER CODE (THE CRIMINAL CODE) TO PROHIBIT ANY BURNING IN PUBLIC REFUSE DEPOSITORIES** was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained, and that a quorum was present on this 16th day of **April, 2014**.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature



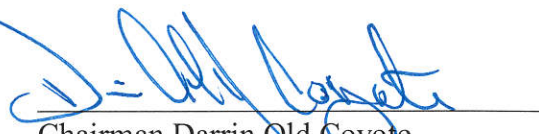
EXECUTIVE ACTION

I hereby:

X approve

_____ veto

AN ACT TO AMEND TITLE 8B OF THE CROW LAW AND ORDER CODE (THE CRIMINAL CODE) TO PROHIBIT ANY BURNING IN PUBLIC REFUSE DEPOSITORIES pursuant to the authority vested in the Chairman of the Crow Tribal Executive Branch by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians on this 14 day of May 2014.



Chairman Darrin Old Coyote
Crow Tribal Executive Branch

A LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO CALL UPON MONTANA'S CONGRESSIONAL DELEGATION TO TAKE ALL NECESSARY AND PROPER MEASURES TO INVESTIGATE THE BILLINGS AREA OFFICE OF THE INDIAN HEALTH SERVICE.

Bill or Resolution: CLB14-05 **Introduced by:** Senator Brandon Good Luck **Date of Vote:** 4/16/2014
Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
G. Three Irons	<u>X</u>	<u> </u>	<u> </u>
B. Rogers	<u>X</u>	<u> </u>	<u> </u>
C. J. Stewart	<u>X</u>	<u> </u>	<u> </u>
P. Hill	<u>X</u>	<u> </u>	<u> </u>
E. Birdinground	<u>X</u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u>X</u>	<u> </u>	<u> </u>
V. Nomee	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u>X</u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u>X</u>	<u> </u>	<u> </u>
L. DeCrane	<u>X</u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u>X</u>	<u> </u>	<u> </u>
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>
G. Stewart	<u>X</u>	<u> </u>	<u> </u>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u>X</u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>16</u>	<u>0</u>	<u>0</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override


 Senator R. Knute Old Crow, Sr. Date
 Speaker of the House


 Senator Gordon Real Bird, Jr. Date
 Secretary of the House